

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NY CUSTOM INTERIOR MILLWORK
CORP.,

Plaintiff,

-against-

PENNSYLVANIA LUMBERMENS
MUTUAL INSURANCE COMPANY,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/20/2020

1:19-cv-10086-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of the attached letter from Plaintiff, dated March 9, 2020, which was not filed on ECF. In its March 9, 2020 letter, Plaintiff seeks a fourth extension of time to file a notice of appearance in this Court, [ECF #8, 11, 12] stating that it has been unable to retain counsel but that it expects to do so within sixty days. The Court is also in receipt of Defendant's letter, dated March 10, 2020, opposing Plaintiff's proposed extension of time to appear via counsel and requesting leave to file a motion to dismiss based on Plaintiff's failure to prosecute this action and to comply with Court Orders [ECF #13].

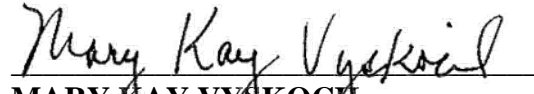
Plaintiff commenced this action in New York state court on October 27, 2019, [ECF #1 at Ex. 1] and Defendant removed the action to the Southern District of New York on October 30, 2019 [ECF #1]. This Court has repeatedly instructed Plaintiff to appear via counsel and to submit filings to the Court via ECF, [ECF #8, 11, 12] but Plaintiff has done neither. In its most recent Order, dated January 7, 2020, the Court explained that, because Plaintiff is a corporation, Plaintiff cannot proceed *pro se* and must be represented by counsel to proceed in this action, and the Court granted Plaintiff sixty days to obtain counsel and file a letter to the Court via ECF

[ECF #12]. Plaintiff's March 9, 2020 letter offers no explanation for its failure to comply with these instructions. Accordingly:

Plaintiff's request for a further sixty-day extension of time is DENIED. It is FURTHER ORDERED that, by **April 30, 2020**, counsel representing Plaintiff shall file via ECF (1) a notice of appearance and (2) a letter showing cause why this action should not be dismissed for failure to prosecute, Fed. R. Civ. P. 41(b). It is FURTHER ORDERED that if Plaintiff fails to retain counsel and otherwise comply with this Order by April 30, 2020, the Court will grant Defendant leave to file its anticipated motion to dismiss.

SO ORDERED.

Date: March 20, 2020
New York, NY


MARY KAY VYSKOCIL
United States District Judge



New York Custom Interior Millwork Corp.

March 9, 2020

Via Hand Delivery

Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
40 Foley Square, Room 105
New York, New York 10007
Attn: Pro se Intake Office

Re: NY Custom Interior Millwork Corp. v. Pennsylvania Lumbermen's Mutual Insurance Company
Docket No.: 1:19-cv-10086-RA

Dear Judge, Vyskocil:

Pursuant to Judge Abrams Court Order the above matter was adjourned sine die.

Unfortunately, we have been unable to retain counsel despite our endeavors.
However, we anticipate that we will retain counsel within 60 days and will update the court accordingly within such time period.

A previous request for an adjournment was made in this matter and was granted.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Elizabeth Molinari".

Elizabeth Molinari
NY Custom Interior Millwork Corp, President

Cc: Kristin V. Gallagher, Kristin.Gallagher@kennedyslaw.com